

REMARKS

Applicant has carefully reviewed the Office Action mailed September 20, 2007 and offers the following remarks.

Claims 1-6, 9-15, 18-24, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,946,386 to Rogers et al. (hereinafter "Rogers"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

The present invention is designed to provide a combined user agent (CUA) to act as an effective proxy for a telephone and multimedia device so that a network would perceive the two elements as a single device. In particular, claim 1 recites an interface adapted to facilitate media communication and a control system associated with the interface and providing a CUA, which is adapted to:

- i) represent a telephone and a computing device as a single multimedia device capable of supporting voice and media sessions;
- ii) communicate with a circuit-switched telephony switch to establish a connection with the telephone through the circuit-switched telephony switch to facilitate a voice session with another voice-capable device; and
- iii) communicate with the computing device to establish a media session between the computing device and another media-capable device,

wherein the combined user agent appears to network devices as a multimedia client supporting voice and media sessions and interacts with the circuit-switched telephony switch as well as the computing device to facilitate the voice and media sessions.

According to the present invention, the CUA performs the following steps: (1) the CUA represents a telephone and a computing device as a single multimedia device; (2) the CUA communicates with a telephony switch to establish a connection with the telephone through the telephony switch to facilitate a voice session with another voice-capable device; (3) the CUA communicates with a computing device to establish a media session between the computing device and another media-capable device; and (4) the CUA appears to network devices as a multimedia client supporting voice and multimedia sessions and interacts with the telephony

switch and the computing device to facilitate the voice and media sessions. Rogers fails to teach a CUA that performs these steps, and thus does not teach the claimed CUA.

The Patent Office alleges that block 101 of Figure 1 of Rogers is the claimed CUA (Office Action mailed September 20, 2007, pp. 2-3). Block 101 of Rogers is a call management computer (see Rogers, col. 7, lines 23-24). The call management computer of Rogers is not equivalent to the claimed CUA. Instead, the call management computer 101 of Rogers merely allows for the management of calls by users at their computer workstations rather than via the telephones of the user. The call management computer of Rogers intercepts incoming calls and controls the handling of such calls according to instructions received from the users' workstations, which are accessed via the digital data network (Rogers, Abstract). Trunk circuits are monitored and controlled using digital signal processors to proactively identify the called party, the calling party, and the call type (voice, fax, data) and to monitor all calls. *Ibid.* Each different type of call is managed differently and automatically through direct user workstation controls and/or user-generated rules to provide special treatment for designated callers. *Ibid.* The call management computer of Rogers captures the call from the central office switch and then routes voice calls to the PBX, and routes faxes, e-mails and other messages to the LAN/WAN networks (Rogers, Figure 1). The whole focus of Rogers is managing calls through a computer associated with the user instead of through his telephone keypad. While the call management computer of Rogers may route both voice and data calls, there is no indication that the voice and data calls are simultaneously handled by the call management computer such that the call management computer appears to network devices as a single multimedia client supporting both voice and media sessions. Instead, the call management computer simply routes the voice calls to the PBX, where they are handled in a typical fashion, and routes the e-mail and faxes to the LAN, where they are also handled in a typical fashion.

Therefore, the call management computer 101 of Rogers does not "represent a telephone and a computing device as a single multimedia device capable of supporting voice and media sessions," as recited by claim 1. Rogers does disclose a telephone (e.g., telephones 106 in Figure 1) as well as personal computers (e.g., user workstation computers 114 in Figure 1). However, the call management computer 101 of Rogers does not represent either of the telephones 106 and either of the computers 114 together as a single multimedia device capable of supporting voice and media sessions. Since the call management computer 101 does not represent either of the

telephones 106 and either of the computers 114 together as a single multimedia device capable of supporting voice and media sessions, Rogers fails to teach the claimed CUA, which is adapted to “represent a telephone and a computing device as a single multimedia device capable of supporting voice and media sessions.” Accordingly, claim 1 is patentable for this reason.

In addition, Rogers fails to teach that the claimed CUA acts to “communicate with the computing device to establish a media session between the computing device and another media-capable device,” as recited in claim 1. The Patent Office states that this limitation is shown by block 114 of Figure 1 of Rogers for data users (Office Action mailed September 20, 2007, p. 3). Although Figure 1 of Rogers does indicate a user computer 114, Rogers does not disclose that the call management computer 101 acts to communicate with the computer 114 to establish “a media session between the computing device and another media-capable device,” as recited in claim 1. In fact, Rogers does not teach establishing a media session between the user computer 114 and another media-capable device. Rogers does disclose receiving voice calls, data calls, and fax calls, but does not teach where **a media session** is established between the computer 114 and another media-capable device **by the call management computer 101**. For these reasons, Rogers does not teach a CUA adapted to “communicate with the computing device to establish a media session between the computing device and another media-capable device,” as recited in claim 1. Thus, claim 1 is not anticipated for this additional reason.

Finally, Rogers fails to teach wherein the CUA “appears to network devices as a multimedia client supporting voice and media sessions and interacts with the circuit-switched telephony switch as well as the computing device to facilitate the voice and media sessions,” as recited in claim 1. The call management computer 101 does not appear as a single multimedia client to network devices. Moreover, as discussed above, the call management computer 101 of Rogers does not interact with the circuit-switched telephony switch as well as the computing device to facilitate both the voice sessions and the media sessions. Since Rogers does not teach this limitation of claim 1, it does not anticipate claim 1 for this additional reason.

Claims 2-6 and 9 depend from claim 1 and are not anticipated for at least the same reasons.

Claim 10 recites essentially the same element, albeit in method form. As such, claim 10 is not anticipated. Claims 11-15 and 18 depend from claim 10 and are not anticipated for at least the same reasons.

Claim 19 recites essentially the same element, albeit in a software format. As such, claim 19 is not anticipated. Claims 20-24 and 27 depend from claim 19 and are not anticipated for at least the same reasons.

Certain dependent claims require special mention. Claim 2 recites the additional limitation “wherein the combined user agent is further adapted to associate the connection and media session with one another.” Claims 11 and 20 have a similar limitation. The Patent Office alleges that Figure 1 of Rogers “shows the communication between users 106 that support (sic) by block 101” and asserts that this teaches the limitation of claims 2, 11, and 20 (Office Action mailed September 20, 2007, p. 3). Applicant respectfully traverses. First of all, as discussed above, Rogers does not teach that the call management computer 101 is adapted to “communicate with the computing device to establish a media session between the computing device and another media-capable device,” as recited in claim 1. Moreover, Figure 1 of Rogers only shows that users 111 and 113 have a telephone and a computer, which may be used to manage calls. There is nothing in Figure 1 that indicates that any voice connection between the telephones of the two users is associated with a media session between the computers of the two users. Thus, Rogers does not teach or suggest associating a voice connection between the two telephones 106 and a media session between the two computers 114 with one another, as recited by the claims of the present invention. Accordingly, Rogers fails to teach each and every limitation of claims 2, 11, and 20. Thus, claims 2, 11, and 20 are not anticipated for this additional reason.

Similarly, claim 3 recites the further limitation “wherein the combined user agent is further adapted to provide information associated with the connection to the computing device for use in an application associated with the media session.” Claims 12 and 21 have a similar limitation. The Patent Office cites to Figure 6 of Rogers as allegedly teaching this limitation (Office Action mailed September 20, 2007, p. 3). Figure 6 of Rogers merely discloses a call management window displayed on the computer, which shows information about a call received by the user. As such, Rogers discloses displaying information about a call to the user on the user’s computer. However, the information about the call is not for use in an application associated with a media session between the user’s computer and another media-capable device, as claimed in the present invention. Nothing is provided to the user’s computer in Rogers for use in an application associated with a media session between the computer and another media-

capable device. Thus, Rogers does not teach each and every limitation of claims 3, 12, and 21. Accordingly, claims 3, 12, and 21 are not anticipated for this additional reason.

Claims 7, 8, 16, 17, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers in view of U.S. Patent No. 6,822,957 B1 to Schuster et al. (hereinafter “Schuster”). Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03. An obviousness inquiry requires looking at a number of factors, including the background knowledge possessed by a person having ordinary skill in the art, to determine whether there was an apparent reason to combine the elements of the prior art in the fashion claimed by the present invention. *KSR Int’l v. Teleflex, Inc.*, No. 04-1350, slip op. at 14 (U.S., Apr. 30, 2007). For the Patent Office to combine references in an obviousness rejection, the Patent Office must identify a reason why a person of ordinary skill in the art would have combined the references. *Id.* at 15. If the Patent Office cannot establish obviousness, the claims are allowable.

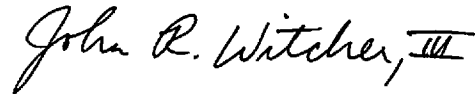
Claims 7 and 8 depend from claim 1. Claims 16 and 17 depend from claim 10. Claims 25 and 26 depend from claim 19. Thus, each of these dependent claims contains all of the limitations of the independent claim from which it depends. As explained above, Rogers does not teach each and every limitation of the independent claims. Nothing in Schuster cures these deficiencies of Rogers. Schuster is cited merely for its mention of SIP as a signaling method. Schuster does not teach the elements of the independent claims. Since the references individually do not teach or suggest each and every claim element, the combination of references cannot teach or suggest each and every claim element. Since the combination does not teach or suggest each and every claim element, the combination does not establish obviousness. Since the combination does not establish obviousness, claims 7, 8, 16, 17, 25, and 26 are allowable.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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By:

A handwritten signature in black ink that reads "John R. Witcher, III". The signature is written in a cursive style with a horizontal line at the end.

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